REMARKS

Amendments

Applicants have amended the independent claims to recite that the dialing string includes a character or characters indicating whether the telephone should use the first transceiver or the second transceiver. Support for the amendment can be found in the specification at pages 5-6 (e.g., describing use of # sign in the dialing string to signify "free call" mode). Entry of the amendment is requested.

§ 103 Rejection of claims 1- 10

The Examiner has withdrawn the previous rejection and rejected claims 1-10 as obvious over Irvin, U.S. 6,658,264 in view of Mauney et al., U.S. 6,484,027. The Examiner is urged to withdraw the rejection.

Claim 1 recites a wireless telephone which includes first and second transceivers. The user indicates which transceiver they wish to use (e.g., Bluetooth or CDMA) depending on the contents of a dialing string they entreat the time they wish to place a call. For example, if they enter # 2959482 they may indicate by the # key that they wish to use Bluetooth, whereas if they enter *2948372 the * key indicates they wish to use CDMA. Claim 1 specifically references that the wireless telephone includes "a memory storing software comprising a set of instructions for responsively selecting said first transceiver or said second transceiver for said call *depending solely on the contents of said dialing string, the dialing string including a character or characters indicating whether the telephone should use the first transceiver or the second transceiver .*"

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago IL 60606
360 379 6514

Applicant's representative has reviewed the Irvin reference and respectfully do not agree that the Irvin discloses software responsively selecting a first transceiver or second transceiver for placing a call depending solely on the contents of a dialing string including a character or characters indicating whether the telephone should use the first transceiver or the second transceiver. Rather, Irvin discloses that the telephone will use either the first or second receiver depending on a previously stored and generated table of user preferences (See Figure 4, column 430; column 8 lines 1-12).

As specifically mentioned in Irvin, the user dials a conventional phone number, pushes a preprogrammed speed dial number, or uses voice activated dialing. Col. 7 line 62- col. 8 line 1. Then, as explained in the first 12 lines of Col. 8, a determination is made as to which access number to use to contact the entity. This determination is made with reference to user system preferences 430 (Figure 4). Col. 8 lines 7-8. The user preferences 430 are entries in a phone book, referred to an indicium e.g., "first" or "second", indicating for each entry or entity in the phonebook whether the phone should use a first wireless system access number (e.g., standard phone number) or a second wireless system access number (e.g., Bluetooth address). See Figure 4, col. 6 lines 53-55; col. 7 lines 16-29.

Thus, it is clear from Irvin that Irvin does *NOT* indicate which transceiver to use solely from the dialing string. Rather, it is determined by reference to a previously generated and stored preferences table. In Irvin, the user indicates which entity to call (such as by entering their phone number) and the dialing string, in and of itself, does not determine whether to use one transceiver or another. The dialing string merely provides a reference to an entity in the table of Figure 4, and the phone must consult previously

stored preferences. The present invention foregoes the requirement of previously stored preferences and allows the user to select immediately *by the dialing string itself* which transceiver to use (e.g. by prepending # to the number to use Bluetooth or * to use conventional CDMA). The present invention allows the user to select the transceiver to use without having to take the time to go into the phone setting to set up initially and then later change the preferences, as in Irvin, making it much more convenient to use.

Consider the advantages of the present invention over Irvin in the example of Figure 2 of the present application, with the user S entering a building where he knows that the callee R1 or R2 will be within range to use Bluetooth. When S enters the building they can immediately use Bluetooth by indicating in the dialing string to use this mode. Conversely, since Bluetooth will only work when the caller S is in the building, when then are outside of the building they will know they need to use CDMA and thus will enter a different dialing string. With the Irvin approach, the user would presumably initially enter a preference for CDMA and then when they enter the building will have to go through the time consuming task of changing the preference setting to change to Bluetooth, and then change the preferences back to CDMA when they leave the building. This is obviously highly inconvenient. Irvin clearly does not teach or suggest selection of the transceiver mode by the dialing string alone. As such, Irvin and Mauney[1] together do not teach or suggest the invention of claim 1.

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[1] Mauney is cited for a teaching of a set of instructions, and when instructions for a phone are incorporated into Irvin in results in software programming of Irvin's method. Since the present invention is nonobvious over the Irvin method, the additional of software from Mauney does not change the analysis in any way.

Independent claim 6 is directed to a method of selecting a transmission mode for a call between a wireless telephone and a remotely located receiver, the wireless telephone having a first transceiver for communication in accordance with a first communication mode and a second transceiver for communication in accordance with a second communication mode, said first communication mode comprising a cellular telephony mode and said second communication mode being a local, free, non-cellular wireless communication mode. The method includes steps of receiving a dialing string from a user of the telephone for initiation of said call, *detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode (local, free, non-cellular)* and obtaining, either directly or indirectly, solely from said dialing string an identity of the receiver in accordance with said second communication mode.

Thus, claim 6 contemplates a method by which *the dialing string itself* contains attributes that identify that the user intends a call to be sent in accordance with a particular non-cellular, local transmission mode, e.g., Bluetooth.

As noted above, Irvin does *NOT* indicate which transceiver to use solely from the dialing string. Rather, it is determined by reference to a previously generated and stored preferences table. In Irvin, the user indicates which entity to call (such as by entering their phone number) and the dialing string, in and of itself, does not determine whether to use one transceiver or another. The dialing string merely provides a reference to an entity in the table of Figure 4, and the phone must consult previously stored preferences. The present invention foregoes the requirement of previously stored preferences and allows the user to select immediately *by the dialing string itself* which transceiver to use (e.g. by

prepending # to the number to use Bluetooth or * to use conventional CDMA). Accordingly, Irvin in combination with Mauney do not render obvious claim 6.

Claims dependent from claim 1 and 6 are allowable by virtue of dependency.

§ 103 rejection of claims 4 and 9 over Irving in view of Mauney and further in view of Malackowski (6,411,803).

The Examiner cites to Malackowski et al. for a teaching of a dialing string with * or #. Malackowski et al.'s wireless device uses conventional cellular telephony to communicate with a wireless network. See col. 4 lines 15 et seq. The user of the Malackowski et al. system does not make a selection of which transceiver mode to use by means of a dialing string, as the reference does not contemplate a user making any such selection. The access codes of Malackowski et al. (e.g., # 500) are used to identify a particular advertiser (see Summary at col. 2). As such, Malackowski et al. does not. teach or suggest the subject matter of independent claims 1 and 6 of selection of a transceiver solely on the content of a dialing string. Accordingly, since the independent claims are not rendered obvious thereover, claims 4 and 9 should likewise be found patentable thereover.

Reconsideration and allowance of the application is requested.

Respectfully submitted.

McDonnell Boehnen Hulbert & Berghoff LLP

Date: 9/6/06 By: Thomas A. Fairhall

Thomas A. Fairhall
Reg. No. 34591

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The undersigned hereby certifies that the foregoing Amendment is being deposited as first class mail, postage prepaid, in an envelope addressed to Mail stop amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 6 th day of September, 2006.

Thomas A. Fairhall

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago IL 60606
360 379 6514